

EXHIBIT 2

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Case No.: 1:21-cv-7955-LAK
and Consolidated Cases 21-cv-7957-LAK
and 21-cv-7959-LAK

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MARVEL CHARACTERS, INC.,
Plaintiff and Counterclaim-Defendant
v.
LAWRENCE D. LIEBER,
Defendant and Counterclaimant.

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MARVEL CHARACTERS, INC.,
Plaintiff and Counterclaim-Defendant,
v.
KEITH A. DETTWILER, in his capacity as
Executor of the Estate of Donald L. Heck,
Defendant and Counterclaimant.

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MARVEL CHARACTERS, INC.,
Plaintiff and Counterclaim-Defendant,
v.
PATRICK S. DITKO, in his capacity as
Administrator of the Estate of Stephen J.
Ditko,
Defendant and Counterclaimant.

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VIDEO DEPOSITION OF ROY WILLIAM THOMAS, JR.
January 20, 2023
8:49 a.m.
Charlotte, North Carolina

1 ROY WILLIAM THOMAS, JR., pursuant to Federal Rule of
2 Civil Procedure 30, held at the offices of Nelson Mullins
3 Riley & Scarborough in the Foster Conference Room A, located
4 at 301 South College Street, One Wells Fargo Center, 23rd
5 Floor, Charlotte, North Carolina 28202, before
6 Audra Smith, a realtime court reporter and
7 a Notary Public of the State of North Carolina.

A P P E A R A N C E S :

O'MELVENY & MYERS LLP

Attorneys for Marvel Characters, Inc.
1999 Avenue of the Stars, 8th Floor
Los Angeles, California 90067
Telephone: (310) 553-6700

BY: MOLLY M. LENS, ESQ.

mlens@omm.com

MATTHEW KAISER, ESQ.

mkaiser@omm.com

DANIEL M. PETROCELLI, ESQ.

dpetrocelli@omm.com

SALVATORE J. COCCHIARO, ESQ. (Via Zoom)

scocchiaro@omm.com

TOBEROFF & ASSOCIATES, P.C.

Attorneys for the Defendants
23823 Malibu Road, Suite 50-363,
Malibu, California 90265

BY: MARC TOBEROFF, ESQ.

mtoberoff@toberoffandassociates.com

JAYMIE PARKKINEN, ESQ. (Via Zoom)

jparkkinen@toberoffandassociates.com

ALSO PRESENT:

DAVID COOPER, Videographer

ELI BARD, Marvel Entertainment, (Via Zoom)

Alec Lipkind, The Walt Disney Company, (Via Zoom)

S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED,
by and among counsel for the respective
parties hereto, that the filing, sealing
and certification of the within deposition
shall be and the same are hereby waived;

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to form of
the question, shall be reserved to the time
the trial;

IT IS FURTHER STIPULATED AND AGREED
that the within deposition may be signed
before any Notary Public with the same
force and effect as if signed and sworn to
before the Court.

1 exciting which is almost a contradiction. They were
2 both adult and an exciting approach. So it was very
3 flattering to be offered a job, you know, by him.
4 And just seemed more exciting to me to be with a
5 small company instead of this large, departmented
6 company where you had ten editors each with his own
7 little cubicle.

8 Q And you said that you admired so much
9 what Stan was doing with the artists. What did you
10 mean by that?

11 A Well, just the stories that came out, the
12 characters they invented and their approach, which
13 was to make them more human. They had more
14 personality. Because of the artists they had, as
15 well as Stan's direction, they had -- they were much
16 more exciting than the DC Comics visually, because
17 the artists, especially Kirby and Ditko, were just,
18 you know, brilliant. I had been fans of them, you
19 know, since a kid. And the combination of the three
20 of them was, I felt, kind of revolutionizing comics.
21 And to be a part of that was really interesting,
22 even though I kind of liked DC's characters better
23 in a way, so it was just a challenge.

24 Q You mentioned Stan's direction, what was
25 Stan Lee's position at Marvel Comics?

1 A His official position was editor and art
2 director.

3 Q And what did that mean to your
4 understanding?

5 A Well, subject to the publisher, he was in
6 charge of everything. He oversaw the writing, he
7 oversaw the artists and the art that came in. You
8 know, everything went through him with the help of
9 the production manager in particular.

10 Q You said "subject to the publisher," that
11 Stan Lee was in charge of everything, who was the
12 publisher?

13 A Martin Goodman.

14 Q And you also said that everything at
15 Marvel Comics went through Stan Lee with the help of
16 the production manager. Who was the production
17 manager?

18 A Sol Brodsky through 1970.

19 Q How long were you a staff writer at
20 Marvel?

21 A Just a -- I don't know -- a couple of
22 months, I guess, officially, but really the position
23 began to evolve almost immediately. But officially,
24 I was staff writer for a couple of months or so.

25 Q What do you mean that the position began

1 And there was one woman there who was
2 sort of working on commercial comics, I vaguely
3 recall but she was gone in a couple weeks, and so
4 was Steve within a month or two.

5 Q And how about non-staff folks? Were
6 there freelance artists and writers working with
7 Marvel at this time?

8 A Yes. The freelance writers, mostly
9 artists, were in and out of the office. Some of
10 them never came in. They mailed everything from
11 either Long Island or wherever, even though it was
12 fairly close. Others came in once a week or
13 whatever the occasion demanded. Some had sort of
14 regular schedules, like Jack Kirby. Others had
15 irregular schedules and just show up whenever it was
16 time. But there were freelancers.

17 And sometimes Sol would call a freelancer
18 in, a letterer or an artist to come in, either
19 because he had to keep an eye on him to make sure he
20 finished the job on deadline or simply because they
21 had something that had to be corrected or changed
22 and they needed more work than just the one
23 production person could do.

24 And they would just sit there with a
25 chair at a little rough desk, because we had so

1 hour -- usually an hour or so every morning.

2 Q And understanding that there was, it
3 sounds like, an evolution from being a staff writer
4 to this editorial assistant, how were you
5 compensated as an editorial assistant?

6 A I had my 110 a week salary.

7 Q So that remained unchanged?

8 A Unchanged, yeah, for -- I got a raise
9 sometime by the end of the year, you know, another
10 10 or 15 dollars, but basically it was that, yes.

11 Q And did you -- in addition to being the
12 editorial assistant, did you start doing other tasks
13 for Marvel at this time?

14 A Yes. Well, the very first weekend after
15 the day I -- that he hired me, he gave me the --
16 about 20 pages of original art for a story of this
17 character Millie the Model, which was kind of half
18 humor, half romance, and I had to do -- write
19 dialogue for that over the weekend. It had been
20 plotted by Stan with the artists, and I was to write
21 dialogue. And that was kind of right away. That
22 was my first freelance assignment. So even though I
23 was staff writer from the beginning, I was allowed
24 to do some of the work as freelance.

25 Q And what do you -- excuse me.

1 A Go ahead.

2 Q And what do you mean that you were
3 allowed to do it as a freelance assignment?

4 A I vouchered separately for that at a page
5 rate.

6 Q Do I understand you were paid separately
7 and paid differently for a --

8 A Yes. And it came on a different check.

9 Q And how were you compensated for your
10 freelance writing?

11 A You mean the rate or --

12 Q Yes.

13 A Well, originally, I think it was \$10 a
14 page. It went up a little bit, but I think it was
15 \$10 a page at the time.

16 Q And that was in addition to your salary,
17 correct?

18 A Yes.

19 Q And what -- what were your
20 responsibilities as a freelance writer?

21 A Just to write whatever Stan told me to
22 write.

23 At first, the first several things were
24 mostly just writing dialogue for a couple of stories
25 that he had worked on with the artists that had

1 already been drawn. But of course, in a little
2 while, I was, you know, being asked to plot the
3 stories, too, upfront.

4 Q And what do you mean you were asked to
5 plot the stories upfront?

6 A Well, I was assigned to plot them by
7 Stan. That was...

8 Q So when Stan would ask you -- just for
9 the layman here, when Stan would ask you to plot a
10 story, what did the plotting process involve?

11 A It was to write out a page to several
12 pages that would tell the basic story that the
13 artist was to draw. It had little or no dialogue in
14 it. That would have been my option. It mostly just
15 told the actions, motivations, and left a lot of
16 room for the artist to expand the action so that --
17 you know, so there wouldn't be just talking heads.
18 But we'd say there was a battle. But, you know, I
19 wouldn't necessarily give a lot of particulars about
20 it. So -- but it gave all the basic beats, you
21 might say, of the story.

22 Q You mentioned that your first freelance
23 assignment, which was the very first weekend after
24 you got hired, was for Millie the Model, I
25 believe --

1 writing for Marvel Comics when you were an associate
2 editor?

3 A Yes.

4 Q And the -- your compensation structure
5 remained the same, salaried for the editorial work,
6 and per page rate for your freelance work?

7 A Yes.

8 Q How long did you hold the title associate
9 editor at Marvel?

10 A Until -- from that time until -- I don't
11 know if it's spring or very early summer, exactly,
12 of 1972, when Stan became publisher and president.

13 Q So I take it, in 1972 Stan Lee got
14 promoted?

15 A Yes.

16 Q And you received a promotion as well?

17 A Yes, of sorts.

18 Q Okay. And what position were you
19 promoted into initially when Stan Lee got promoted
20 to publisher and president of Marvel Comics?

21 A Stan liked to hold onto titles, or at
22 least not give them out, so he promoted me to story
23 editor, which although, again, I probably would have
24 had -- I would have been dealing with art, but it
25 was more to do with the story because he still

1 A Somewhere along the line, I did. It
2 always lagged a little bit. But yeah, I just don't
3 remember much about it. There was something, but it
4 wasn't a lot and it took a while, but, you know,
5 that was all right.

6 I wish I could give you more exact
7 numbers, but I just don't recall. But there were
8 raises all along -- all along the way, you know,
9 both in freelance and in staff.

10 Q And at a high level, can you tell me what
11 your responsibilities were as editor-in-chief at
12 Marvel starting in '72?

13 A Well, because Stan was such a hands-on
14 kind of person and not really a businessman as such,
15 he kept more of probably an active quasi editorial
16 presence, you know, as publisher, say, than most
17 publishers would have. But increasingly I had to
18 handle the matters of, you know, overseeing all
19 the -- not necessarily doing, but overseeing all the
20 proofreading, the handing out of assignments to
21 artists and writers. Stan still handled the artists
22 a little more because that was a special interest of
23 him and he felt he had a special insight into that,
24 he felt.

25 And -- but really, otherwise, I was just

1 in charge of, you know, all the artists, the
2 writers, the colorists, the letterers and so forth.
3 I suppose, technically, over the production manager,
4 but I wanted him to stay in his own court, do his
5 own job. I didn't want to get involved with all the
6 scheduling.

7 Q You said technically over the production
8 manager.

9 A Yes.

10 Q You mean you were supervising the
11 production manager?

12 A I suppose, in a vague, technical way.
13 Actually, we just worked as a nice team with both --
14 by this time it was John Verpoorten, and we were
15 good friends and, you know, he had his area and I
16 had mine and, you know, so it almost wasn't a
17 question. The real problem had been the art
18 director, you know, and I needed authority over the
19 art director, or I couldn't tell him what to do if I
20 was just his equal.

21 Q And when you became editor-in-chief, who
22 did you report to at that point?

23 A Stan Lee.

24 Q And when you got promoted into
25 editor-in-chief, did you take over the -- formally,

1 the responsibilities of the assistant art director,
2 or you just started supervising that individual?

3 A Basically, supervising him. He -- that
4 particular person wasn't there much longer, but
5 suddenly he was reporting to me instead of having to
6 report to Stan.

7 Q And who took over as the assistant art
8 director from Frank Giacoia?

9 A We didn't really have one for a while.
10 The unofficial art director was the artist John
11 Romita, who had actually been hired more to draw
12 comics, but because he was there in the office and
13 he was so good at it and he understood what Stan
14 wanted, he became like -- we thought of him as the
15 art director, and Stan kind of treated him that way,
16 even though it took a while. It was several years,
17 I think, before he actually got that title.

18 Q How long did you act as Marvel Comics'
19 editor-in-chief?

20 A About two to two and a half years, from
21 whenever I got it until like -- I quit right before
22 Labor Day, and I was around for another two or three
23 weeks until my replacements came back from vacation,
24 so it was September of '74.

25 Q And during the time period that we've

1 been discussing, 1965 through 1974, did you have an
2 employment agreement with Marvel?

3 A I had no written employment. It was all
4 verbal with Stan Lee on behalf of the company.

5 MR. TOBEROFF: Excuse me. I just need to
6 take a quick bathroom break.

7 MS. LENS: Okay. We'll go off the
8 record.

9 THE VIDEOGRAPHER: The time is
10 approximately 9:39:42 a.m. We're now off the
11 record.

12 (A recess was taken from 9:39 a.m. to
13 9:43 a.m.)

14 THE VIDEOGRAPHER: The time is
15 approximately 9:43:08 a.m. We are now on the
16 record.

17 BY MS. LENS:

18 Q Mr. Thomas, before the break, you were
19 saying you didn't -- prior to 1974, you didn't have
20 a written employment agreement with Marvel but you
21 had an oral agreement with Stan Lee on behalf of the
22 company; is that right?

23 A Yes.

24 Q Okay. And to your understanding, were
25 there any conditions that were imposed on you as a

1 result when you accepted, for example, a writing
2 assignment from Marvel?

3 A Well, I understood when I came into the
4 company that Marvel would, you know -- was the --
5 would own the characters, the stories, the writing,
6 whatever I was doing, and that was also made clear
7 by the statement on the back of the check from the
8 earliest days.

9 Q And that was the statement that was on
10 the back of the checks that you received as a
11 freelance writer?

12 A Yes. I don't know if it was on the staff
13 checks or not. It may have even been on those. I
14 don't recall. I think it was on the staff checks,
15 too, but I could be wrong on that.

16 Q And did you understand whether your
17 agreement with Marvel allowed Marvel to request that
18 you, for example, do rewrites or revisions to work
19 that you had done?

20 A Yes, I did.

21 Q And did you understand whether your
22 agreement with Marvel allowed them to request
23 revisions within the per-page rate that you were
24 being paid as a freelance writer?

25 MR. TOBEROFF: Lacks foundation, leading.

1 BY MS. LENS:

2 Q So let me -- I asked you -- I'll withdraw
3 that question.

4 I asked you a minute ago, did you
5 understand whether your agreement with Marvel
6 allowed Marvel to request that you do rewrites or
7 revisions to work that you had done, and you
8 answered "Yes, I did."

9 A Yes.

10 MR. TOBEROFF: I'm objecting to that
11 question as well.

12 MS. LENS: Well, you didn't object.

13 BY MS. LENS:

14 Q But in any event, what was your
15 understanding --

16 MR. TOBEROFF: You're restating and I'm
17 objecting.

18 BY MS. LENS:

19 Q What was your --

20 MS. LENS: I'm following up.

21 BY MS. LENS:

22 Q What was your understanding?

23 A I'm sorry.

24 Q What was your understanding -- did Marvel
25 have the right to request revisions?

1 A Oh, yes.

2 MR. TOBEROFF: Lacks foundation, leading.

3 BY MS. LENS:

4 Q And what's the basis, Mr. Thomas, for
5 your understanding that Marvel had the right to
6 request revisions?

7 A Because Stan did it from the very start,
8 from the Millie the Model story that I brought in
9 after the first weekend where he both did summary
10 writing himself, and he asked me to rewrite things.
11 And then very quickly, on other issues of that kind
12 but also on the Iron Man and Dr. Strange stories at
13 the beginning, he was -- you know, he had me
14 write -- one of the Doctor Strange credits says
15 "Written and rewritten by Roy Thomas."

16 Stan wrote that. It was very, very true.
17 It was a teaching thing, and, you know, he didn't
18 just want me to rewrite it for me. He wanted me to
19 learn to rewrite it until I pleased him. That was
20 my job. My whole job was to please Stan.

21 Q And during the some 20 years that we've
22 been discussing, did you also see other -- did you
23 also see Stan Lee ask other freelance writers to do
24 revisions to their work?

25 A Yes.

1 Q Did you also see Stan Lee ask freelance
2 artists to do revisions to their work?

3 A Yes. Of course I heard about this
4 through the production manager more than I saw Stan
5 doing it, but sometimes I was there when Stan
6 actually did it, and sometimes I would just know it
7 because it would go through the production manager
8 and his department and, of course, I'd know it that
9 way, too.

10 Q And when Stan asked you to do revisions
11 to your work, I take it you complied with that
12 request?

13 A Yes.

14 Q And I take it when Stan Lee asked other
15 freelance writers and artists to make revisions to
16 their work, you observed them also comply with that
17 request, correct?

18 A I never knew anyone to refuse.

19 MR. TOBEROFF: Objection. Lacks
20 foundation.

21 BY MS. LENS:

22 Q And during this time period that we've
23 been talking about, did you also observe Marvel
24 whether that was yourself, Stan Lee, Sol Brodsky, or
25 others actually making changes to work that had been

1 done by freelance writers and artists?

2 A Yes.

3 MR. TOBEROFF: Compound.

4 A Both letters and -- lettering and
5 artwork.

6 MR. TOBEROFF: If you could just give me
7 a brief moment to object, I'd appreciate it.

8 THE WITNESS: I'm sorry.

9 MR. TOBEROFF: I don't want to talk over
10 you.

11 BY MS. LENS:

12 Q Okay. I'd like to return to something
13 you testified about a moment ago. You said that you
14 understood that when you came into the company that
15 Marvel would own the characters, the stories, the
16 writing, whatever that you were doing. Do you
17 recall that testimony?

18 A Yes.

19 Q Okay. I'd like to go ahead and show you
20 a document, which has been premarked as Exhibit 65,
21 which has been Bates stamped 2021MARVEL-74335.

22 (Exhibit Number 65, AlterEgo magazine,
23 "Roy Thomas on Marvel in the 1970s!",
24 2021MARVEL-74335 to 74438, was identified.)

25 A I recognize this.

1 A Jim Amish, yes.

2 Q And so you see that Jim Amish asks you
3 how often you were pitching ideas for series at
4 Marvel --

5 A Yes.

6 Q -- do you see that?

7 A Yes, yes.

8 Q Okay. And can you -- and you can see
9 that you respond "Good question"?

10 A Yes.

11 Q Okay. And can you read that paragraph
12 for me which follows?

13 A "Not that often, because Stan was really
14 the guy who generated the ideas, and I don't think
15 he pushed us to come up with new characters in the
16 early days, except for villains. If something came
17 up, he was open to it. As I've often said, I didn't
18 like creating many characters for Marvel, because I
19 knew I wouldn't own them...not that I advertised
20 that feeling to Stan or to Goodman."

21 Q And is that accurate, Mr. Thomas?

22 A Yes. The prior part I hadn't really
23 pitched Conan to Stan Lee and everything, exactly,
24 but I did pitch things, just -- that has nothing to
25 do with the statement. The statement is accurate.

1 Q And with respect to your statement that
2 you knew that you wouldn't own the characters that
3 you worked on at Marvel, is that accurate?

4 A Yes.

5 Q Okay. You mentioned that you stepped
6 down as editor-in-chief around Labor Day of 1974.

7 A Yes.

8 Q And why did you step down, Mr. Thomas?

9 A I had become increasingly restive about
10 doing less creative -- having to do less creative
11 work and more of just management, you know, putting
12 out fires and that kind of thing, and so I was less
13 and less happy with the position after a couple of
14 years.

15 And then finally, and management -- not
16 just so much Stan but the person who had taken over
17 the job of president when Stan gave it up, and I did
18 not see eye to eye on various things. He didn't
19 feel I was enough of a company man, to use his
20 phrase. And the particular thing was just a
21 particular policy of Stan's that I decided I would
22 not carry out.

23 Q And when you stepped down as
24 editor-in-chief, did you start working for another
25 company?

1 BY MS. LENS:

2 Q To your understanding, did any other
3 writers with Marvel have the ability to select which
4 comics they were going to work on prior to you
5 obtaining this provision in 1974?

6 A No.

7 Q And to your understanding, did any
8 artists doing assignments for Marvel have the
9 ability to select which comics they were going to
10 work on prior to you obtaining this provision in
11 '74?

12 A No.

13 Q You also, under this provision, had the
14 ability to select which artists, letterers, and
15 colorists you were going to work with, correct?

16 MR. TOBEROFF: Leading.

17 A Yes, I did.

18 BY MS. LENS:

19 Q Under your 1974 agreement with Marvel,
20 did you have the ability to select which artists,
21 letterers, and colorists you were going to work
22 with?

23 MR. TOBEROFF: Leading, based on the
24 prior question.

25 A I did have that right, as long as Stan

1 did not object. It was subject to him.

2 BY MS. LENS:

3 Q And to your understanding, did any other
4 writers at Marvel have the ability to select which
5 artists, letterers, or colorists they were going to
6 be working with?

7 A Not at that time.

8 Q To your understanding, were there any
9 other writers at Marvel at this time, or prior to
10 this time, who were not subject to the editorial
11 discretion of the editor-in-chief at Marvel?

12 A No, no.

13 Q And to your understanding, were there any
14 artists at Marvel at this time, or prior to this
15 time, who were not subject to the editorial
16 discretion of the editor-in-chief at Marvel?

17 A No, there were not.

18 Q To your understanding at this time, were
19 you subject to Stan Lee's continued supervision and
20 discretion?

21 A Yes.

22 Q And to your understanding, was there
23 anyone working with Marvel on a freelance basis or
24 otherwise during the time period 1965 through 1974
25 that was not subject to Stan Lee's discretion?

1 A No.

2 Q And had you ever heard of anyone prior to
3 this time, including even prior to 1965, of somebody
4 working with Marvel that was not subject to Stan
5 Lee's supervision and discretion?

6 A Not since he had come to work there.

7 Q And when did Stan Lee come to work with
8 Marvel?

9 A I'm trying to think. It was about the --
10 I think it was about the end of 1940, something like
11 that. And then -- but then he was gone between two
12 and three years in service from '42 to '45 and
13 someone else was there during that interim. But
14 whenever he was there, he was in charge.

15 Q How long did you work with Marvel as a
16 writer/editor?

17 A Six years.

18 Q So that takes us up to 1980; is that
19 right, Mr. Thomas?

20 A Yes, it was two, three-year contracts,
21 uh-huh.

22 Q And what did you do in 1980?

23 A I quit.

24 Q And did you continue to work in the
25 comics industry in 1980 after leaving Marvel?

1 was sort of named a sort of writer/editor again
2 later after two or three more years more informally.

3 Q And let me circle back to when you first
4 had a written agreement with Marvel starting in
5 1974. You testified previously that you understood
6 when you joined Marvel, that Marvel would have all
7 of the rights to the characters and stories that you
8 worked on. Did that remain true to your
9 understanding under your 1974 agreement?

10 A Yes.

11 Q And you mentioned that you had two other
12 written agreements with Marvel following the 1974
13 agreement; is that right?

14 A No. One other. There were two,
15 three-years.

16 Q Two, three-years. Got it. Thank you.
17 Put differently, did your
18 understanding -- strike that.

19 Did you have the understanding for the
20 entire tenure that you worked with Marvel that
21 Marvel would have all of the rights, including
22 copyrights and anything that you worked on at
23 Marvel?

24 MR. TOBEROFF: Leading.

25 A Yes.

1 BY MS. LENS:

2 Q At any point in time during your tenure
3 with Marvel, from 1965 through 1980, did your
4 understanding regarding Marvel's ownership of all
5 rights with respect to your work change?

6 A No.

7 Q Mr. Thomas, are you still doing freelance
8 comic writing?

9 A Yes, a little.

10 Q And so do I understand correctly that
11 you've been acting -- or doing freelance writing in
12 the comics industry from 1965 through today?

13 A Freelance, whenever it wasn't under the
14 contract, yeah, it was either by contract or
15 freelance, yes. And diminishing amounts over the
16 years as I got older and company policies changed
17 and I got other interests, et cetera.

18 Q Over the years, which comic companies
19 have you done comic writing for?

20 A The main two in terms of volume have
21 been, by far, Marvel Comics. Second would be DC
22 because I had the six-year contracts and I did more
23 writing for them for another year or two after that,
24 and occasional things after -- occasional freelance
25 writing after that. I've also worked for any number

1 Q Okay. And I'm going to refer to the time
2 period of 1962 to 1975 as the relevant time period,
3 okay?

4 A I understand that, yes.

5 Q Okay. And even if I don't specifically
6 use the term, quote/unquote, relevant time period in
7 my question, please understand that my questions
8 refer to that period today unless I tell you
9 otherwise, okay?

10 A Yes.

11 Q And now can you please remind us, when
12 did you work for Marvel during the relevant time
13 period, again with the relevant time period being
14 '62 to '75?

15 A From 1960- -- the middle of 1965 through
16 the end of that period and beyond.

17 Q And over that time period, from '65
18 through 1975, can you remind us what positions you
19 held at Marvel?

20 A All right. Staff writer, editorial
21 assistant or associate editor, editor-in-chief, and
22 then writer/editor, besides the freelance writer
23 which was the unofficial position, but that was
24 something extra during the years before, around
25 1974.

1 Strange story that he -- I think, a few months later
2 that he did from a plot, you know, so forth. He --
3 yeah.

4 Q So when you say "a few months later," you
5 mean a few months after Tales of Suspense, which has
6 been marked as Exhibit 72, you're aware that Don
7 Rico worked on a comic for Marvel whereby he used
8 his given name Don Rico; is that right?

9 A Yes. I think it was after, rather than
10 before. I'd have to check to be sure, but the same
11 general time period, within a year, yes.

12 Q And regardless of who N. Korok is, based
13 on your understanding of how comics at Marvel were
14 produced in the 1960s, do you have any understanding
15 of whether Stan Lee would have had authority over
16 the dialogue that appears in Exhibit 72?

17 A Yes.

18 Q And what is that understanding?

19 A He had complete authority over it, so --
20 to edit it, have it rewritten or whatever. That
21 was, you know -- we all work for him.

22 Q And --

23 A Not at that time yet.

24 Q Yeah. And same question, based on your
25 understanding of how comics at Marvel were produced

1 in the 1960s, do you have an understanding of
2 whether Stan Lee, on behalf of Marvel, would have
3 had authority over the artwork that appears in
4 Exhibit 72?

5 A Yes.

6 Q And what is that understanding,
7 Mr. Thomas?

8 A Subject to the publisher, complete
9 authority.

10 Q And "the publisher," you're referring to
11 who?

12 A Martin Goodman.

13 Q Thank you. You can put that aside.

14 Now, are you also aware that Gene -- some
15 of Gene Colan's kids are seeking to terminate
16 purported grants to Marvel on comics that Gene Colan
17 worked on during the relevant period?

18 A Yes, I am.

19 Q And did you know Gene Colan?

20 A Yes.

21 Q And how did you know Gene Colan?

22 A He was drawing for Marvel as a freelancer
23 when I came to work there and had been for six
24 months or so, again had worked for them previously
25 in the '40s. And I got to know him. We socialized

1 of the pencils that you received from Steve Ditko?

2 A Well, this is the finished artwork inked.
3 What I got was much rough, the figures were like
4 little ballons and you could tell what the hands and
5 arms were, that there was a little bit of background
6 and so forth. But it was very sketchy. If he were
7 going to have -- if he were not going to ink the
8 story, he would have done it in more detail. But
9 since he was going to ink it, he only needed enough
10 for him and me to be able to see. This was actually
11 first done with the idea that Stan would write it.

12 Q Why do you say that this was first done
13 with the idea that Stan would write it?

14 A Because Stan had been writing the -- for
15 the last year or so, Stan had been the scripter of
16 all the Doctor Strange stories.

17 Q Who, if anyone, asked you to become the
18 writer on this Doctor Strange story?

19 A Stan Lee.

20 Q And did you have an understanding of who
21 decided who would be the artist on the -- this
22 Doctor Strange story?

23 A Well, I knew that Stan had decided that
24 Steve Ditko would. He had been doing it since the
25 beginning.

1 Q And what was the basis for your
2 understanding that Stan Lee had decided that Steve
3 Ditko would work on this comic?

4 A Stan made all the artist assignments.

5 Q And was that true over the entirety of
6 the relevant period, that is 1962 to '75 to your
7 understanding?

8 A Yes. Sometimes the production manager
9 would make certain inking decisions because -- you
10 know, in a hurry, but he would -- they would always
11 be subject to Stan. Even if they were made, they
12 were made in Stan's name, and they could be canceled
13 or changed if Stan wanted that.

14 Q And so when we see the words on page 273
15 which is the second page of the exhibit, "Found
16 place to hide. Must move fast."

17 Do you see that?

18 A Oh, this, yes. That's -- yes -- Steve's
19 writing, yes.

20 Q And what did that mean to you?

21 A Well, it was in the middle of a story I
22 continued from the preceding month's story, so I had
23 that to look at, too, with all written and drawn
24 out.

25 And Doctor Strange was fleeing some

1 Q And -- strike that.

2 Understanding that this comic that we're
3 looking at was at the beginning of your tenure with
4 Marvel, to your understanding, did Stan Lee retain
5 the ability to ask you to make revisions to your
6 work during the entirety of the relevant time
7 period?

8 A Yes.

9 Q Okay. We can put that one aside, thank
10 you.

11 Did Steve Ditko -- did there come a time
12 when Steve Ditko stopped working with Marvel after
13 you arrived in '65?

14 A Yes.

15 Q And when was that?

16 A I'm not sure exactly. It was near the
17 end of the year. Either right before or after
18 Christmas. Sometime within a few weeks of
19 Christmas, I think, but it was near the end of the
20 year.

21 Q Okay. So let me go ahead and mark as
22 Exhibit -- can you help me? Mark as Exhibit 62.

23 A Uh-huh.

24 Q A document that's been Bates stamped
25 2021MARVEL-71288.

1 it would refer to the pencil artist as kind of a
2 sloppier, shorthand usage because that was the
3 primary artist, but it really meant "the penciler,"
4 generally speaking.

5 Q And --

6 A We would say the artist, as opposed to
7 the inker, but that wasn't -- that was just
8 imprecise terminology is what we did.

9 Q And once the pencil artist finished
10 drawing out the plot, what was the next step in the
11 process?

12 A For him to get it into the office, or to
13 the writer by whatever method we were doing.

14 Q And what happened at that point?

15 A The writer took it and wrote the dialogue
16 and the captions and indicated the balloons on
17 the -- at that time, on the original art as well.

18 Q And what if the writer on the comic was
19 not Stan Lee, was Stan Lee involved at all at this
20 stage?

21 A Yes. His -- he was the editor. His name
22 was always on there as editor, or later, you know,
23 "Presents..." or something, but it always indicated
24 he was the editor. He was always the ultimate
25 authority unless Martin Goodman stepped in, and that

1 was mostly on covers.

2 Q And other than having his name actually
3 listed as the editor on the comics, would Stan Lee,
4 for example, review the artwork when it came in?

5 A Yes. Stan really liked to review the --
6 he really liked to look at the artwork, even if he
7 wasn't going to write the comic. At first he felt
8 he should. That was his duty. He wanted to make
9 sure. He didn't have faith -- total faith in me or
10 anybody else. And -- so he would review all of it.
11 There might be something that got slipped by him
12 once in a while, but that was -- but in general,
13 that was his practice, yes.

14 Q And what was your understanding of why
15 Stan Lee reviewed the artwork?

16 A Well, he was the editor, so it was his
17 job to supervise. If something went wrong, the
18 publisher wasn't going to blame -- go to the artist,
19 he was going to go to Stan Lee, not me or his
20 artist.

21 And secondly, he felt that, you know,
22 he -- that both over the years, and in particular in
23 recent years since Marvel got started, he felt he
24 had a particular expertise, you know, over -- you
25 know, over knowing what the book should look like

1 and feel like. And, you know, while he felt I had
2 some of that, you know, he didn't trust anybody
3 naturally as much as himself, so he wanted to see it
4 all and, you know, take -- and be responsible for it
5 all.

6 Q And did -- to your understanding, did
7 Stan Lee continue to review artwork even after he
8 became publisher?

9 A Yes.

10 Q And --

11 A A little less, but he still reviewed most
12 things, certainly anything of any importance at all.

13 Q And to your understanding, did Stan Lee
14 have the ability to ask artists to make changes to
15 their artwork?

16 A Yes.

17 Q And to your understanding, did Stan Lee
18 have the ability to just have changes made to the
19 artwork without the artist's involvement?

20 A Yes, if he wanted to.

21 Q Based on your experience working at
22 Marvel, did artists comply with Stan Lee's request
23 to make changes to their artwork?

24 A Yes, yes.

25 Q And when you were editor-in-chief, I

1 artists to make changes to their artwork?

2 A Yes. Not nearly as much as Stan did, but
3 I did it, yes, when I felt it was necessary or
4 advisable.

5 Q Okay. And so you testified that the
6 artwork comes in, it's reviewed, changes may be
7 requested, and the writer would add the dialogue in
8 the bubbles; is that --

9 A Yes.

10 Q Okay. And what happens after all of that
11 has occurred at Marvel?

12 A The next step is led to the letterer who
13 generally lettered it in ink, right, directly on the
14 page. The first ink on the page was generally the
15 letterer's. That was the next step.

16 Q And what do you mean by lettering?

17 A Take -- looking at the writer's script,
18 which was generally on a separate, typed page, and
19 transferring that over, you know, to letter that, in
20 all capital letters in those days, directly on the
21 page in the general balloon area where the writer
22 had indicated for the captions, the whatever.

23 Of course the writer didn't -- sometimes
24 they misjudged how much space it would take and so
25 forth, so we had to have letterers that understood

1 the whole process and could fit things in or know
2 when there was a problem.

3 Q And in your experience, would Stan also
4 look at where the bubbles had been placed on the
5 pages?

6 A Mostly in the early days of some writer,
7 me in particular because I worked so closely with
8 him, and a little bit with other people. More and
9 more, that was left to me, because one of the things
10 that he saw that I had right away is that I had a
11 very good understanding of how to place balloons.
12 And some writers didn't. You know, I mean, because
13 they're not artists. I wasn't either. But they
14 wouldn't quite know -- the idea, Stan did not want
15 all the balloons placed at the top of the page as
16 more standard in comics. He wanted to be able to
17 put some in other spots to cover up dead areas, and
18 that way he could get an extra few words in to give
19 a little more personality to things.

20 And some of the writers would cover up
21 too much space or something. And some of them were
22 very good and some of them were not so good. But we
23 were kind of desperate, and we just kept trying to
24 tell them to be a little better and, you know, do
25 the best we could, and it mostly worked out.

1 Q And after the letterer does -- applies
2 the lettering to the artwork, what happened next?

3 A Well, either directly through the mail or
4 through the office, it went to the inker, which
5 usually was not the same pencil. It could be, but
6 like as with Ditko, but it was usually not the same
7 person.

8 Q And who decided who would do the inking
9 on a comic issue?

10 A Well, the ultimate person was Stan, or
11 later me as editor-in-chief if Stan didn't disagree.
12 Sometimes in some areas the production manager would
13 make that based on who was available and, you know,
14 what a deadline was, because, you know, but he
15 pretty well knew, you know, his artists. And Stan
16 would like them. If there was any kind of question,
17 he would check with me or with Stan because we were
18 the -- at various times, the ultimate authority on
19 it.

20 Q And what did the inkers do?

21 A They applied ink to the line. And it
22 wasn't necessarily just going over the line, some of
23 them did more, some of them did less. They
24 embellished it more, gave it a more illustrative
25 look, this or that.

1 Sometimes we even asked them to, you
2 know, redraw a little something simple. We didn't
3 want to do that much because they weren't -- you
4 know, they were being paid as inkers. But once in a
5 while, "Can you fix this hand" or "Do this and
6 that," or put -- you know, something like that. But
7 mostly it was just inking what was there and adding
8 a little embellishment and feeling to it.

9 Q Okay. And when the work comes back from
10 the inker, comes back to the office; is that
11 correct?

12 A Yes.

13 Q Okay. And what happens then?

14 A Then it would be proofread.

15 Q And who did the proofreading?

16 A Well, in the early days, Stan did the
17 original proofreading on pretty much everything, but
18 he gradually relinquished some of that to me. He
19 always proofread his own stuff and major things. He
20 stopped proofreading most of my stuff after the
21 first few months. He would read the first and last
22 page, and said if he thought -- if that was okay, he
23 figured the rest and the middle was okay.

24 It depends. Sometimes it was a
25 spot-check kind of thing. He'd let it go but then

1 suddenly he'd want to -- he'd look over something
2 because he just wanted to check and see how things
3 were going.

4 And we had -- later on, by the time I was
5 editor-in-chief, we would have another assistant
6 editor, too, who would be doing the proofreading,
7 you know, and if it wasn't -- and if I hadn't read
8 it, they'd at least be doing backup proofreading.
9 It was various combinations, depending on what the
10 book was, who the artist was, et cetera.

11 Q And could Stan Lee or yourself make
12 changes to the artwork at this stage of the process?

13 A Yes.

14 Q And could you ask that the -- the artist,
15 whether that was the pencilers or the inkers, make
16 changes to the artwork at that part?

17 A Yes, or to have a production artist, you
18 know, do it. But as quite often, we didn't want to
19 have to call the original artist to come in maybe
20 from Long Island or somewhere. You know, we lost
21 time, he lost, you know, work time and so forth. So
22 we tried to do it without dragging people inasmuch
23 as we could.

24 Q And same question with respect to the
25 writing or the lettering, could Marvel make changes

1 to the wording/dialogue at this stage in the
2 process?

3 A Yes. Of course it was more trouble once
4 it's -- once it's lettered because then it's time
5 and money to have it relettered. And your office
6 letterer would probably not be quite as good as the
7 person who did the lettering originally. So again,
8 you had to take all these things into consideration.

9 Q And -- okay. So what happens after
10 either yourself or Stan Lee approves the comic?

11 A Well, at around this time -- same time,
12 actually, because, again, of the looming deadline at
13 all times, the artwork would be photostatic, or
14 whatever the precise process was, into copies for
15 the colorist. This was done at a smaller size, more
16 like typing paper size. And the colorist would
17 color that, actually do the coloring with these
18 various old dyes to indicate. And then in addition,
19 in those days, mark on with numbers what the color
20 was to make sure they would be interpreted by the
21 people who were actually then making the plates. It
22 would say like Y3, which would be a particular like
23 light tone of yellow, as opposed to Y, which is the
24 straight yellow, that kind of thing.

25 Q Okay.

1 A That was being done while the other
2 processes were going on once the artwork arrived.

3 Q And the folks that were adding the color,
4 did they have a name like the folks applying the ink
5 were inkers?

6 A We called them -- we just called them
7 colorists, yeah.

8 Q And to your knowledge, Mr. Thomas, is the
9 process that we just went through, the same general
10 system -- you know, that is plot, pencils, dialogue,
11 lettering, inking, coloring -- was that process or
12 system followed at Marvel during the relevant time
13 period?

14 A Yes. Some what we sometimes called
15 "script in advance" or "full script method," came in
16 especially on something like the horror stories that
17 were shorter stories and occasionally other things
18 where some writers or some artists felt more
19 comfortable getting a full script instead of doing
20 it the other way.

21 Again, the writer was still the initial
22 person in all that. But we kind of discouraged that
23 on the superhero thing. We preferred to have those
24 done by the so-called "Marvel method" of, you know,
25 plot, then pencils, then dialogue, because we felt

1 BY MS. LENS:

2 Q But Mr. Thomas, turning back --

3 MR. TOBEROFF: Let me correct you. You
4 said you wanted to take a break, and the break
5 got extended because of that but you had taken
6 a break for ten minutes regardless.

7 BY MS. LENS:

8 Q Okay. Mr. Thomas, you testified earlier
9 that you were paid a salary when you were -- for
10 your editorial responsibilities and staff writing
11 responsibilities at Marvel; is that correct?

12 A Yes.

13 Q Okay. And you also testified that you
14 were separately paid on a per-page basis for your
15 freelance writing assignments from Marvel --

16 A Yes.

17 Q -- during the relevant time period,
18 correct?

19 A Yes.

20 Q Okay. How was that per-page rate set?

21 A Stan -- he had to have Martin Goodman's
22 approval for that or for any raise but otherwise it
23 was his decision.

24 Q And I believe you testified that you were
25 paid by check; is that right?

1 the company which I had never heard before I went to
2 work for them.

3 Q And you testified previously that you
4 recalled that at least some of the checks you
5 received contained language on the back of them?

6 A Yes.

7 Q Do you recall what that legend said? And
8 if it varied over time, please let me know.

9 A I think there might have been a couple of
10 versions. They -- what they all amounted to was
11 that -- paraphrase in some way, I don't know, but
12 basically it was saying that I was -- you know, I
13 was signing this check, and I had no ownership, you
14 know, of -- or claim on, you know, anything I had
15 done for the company and so forth. It was just a
16 legalese way of saying things -- saying that as far
17 as I could wade through it.

18 Q Do you have a copy of any of the checks
19 that you received during the '60s -- strike that.

20 Do you have a copy of any of your checks
21 you received from Marvel during the relevant time
22 period?

23 A Sadly, no.

24 Q And did you receive royalties on the sale
25 of any comic books that you worked on in the '60s or

1 '70s from Marvel?

2 A No.

3 Q Do you receive any sort of -- strike
4 that.

5 Do you receive profit participation on
6 the -- for the sale of comics that you worked on in
7 the '60s or '70s?

8 A No.

9 Q Then do I understand -- strike that.
10 Was the financial success of any work
11 that you contributed to a factor in your
12 compensation at Marvel during the relevant time
13 period?

14 A Only indirectly. If I was selling comics
15 fairly well at least and doing what they wanted me
16 to do, you know, there would be a raise or -- some
17 years, a bonus, depended on -- that depended on
18 overall sales.

19 Q But other than that, no?

20 A No.

21 Q And so if a -- you got paid the same
22 whether the comic was a hit or a flop; is that
23 right?

24 A Per page at the time, yes.

25 Q And if a comic that you worked on lost

1 money from Marvel, Marvel didn't take that out of
2 your paychecks, right?

3 A No.

4 Q Did you -- were you provided with the
5 sales figures for the books that you did freelance
6 writing on?

7 A I -- Stan would show them to me from time
8 to time as time went on. In the early days, not so
9 much, later I began to see some of them. I usually
10 didn't get my own individual copies of them. Maybe
11 I did later when I was editor-in-chief. I don't
12 recall that much about it, but he would show me or
13 mention to me particular things, and more as time
14 went on.

15 Q As you progressed up into the ranks?

16 A Yes, yes. As he got more interested in
17 giving me more authority or responsibility, he
18 wanted me to know more about them.

19 Q Did you see the figures what Marvel paid
20 for rent, salary, page rates, distribution, all
21 those things?

22 A No. I only had little bits and pieces of
23 information I knew from individual people, but no,
24 there was no systematic way of showing me that.

25 Q And how about other freelance writers

1 during the relevant time period, is it your
2 understanding that they were also paid on a per-page
3 rate?

4 A Yes.

5 Q And same question with respect to
6 freelance artists, how were they paid during the
7 relevant period?

8 A There was a page rate, you know, for
9 penciling, for inking, separate rates. Or if they
10 did them both, they got, you know, the same. But it
11 was a page rate.

12 Q Same page rate -- strike that.
13 Colorists and letterers were also paid on
14 a per-page rate; is that correct?

15 A Yes.

16 Q And to your understanding, did any
17 freelance contributors at Marvel during the 1960s
18 get paid royalties or other profit participation on
19 the comics that they worked on?

20 A I'm not aware of any. I thought not.

21 Q And did the -- to your understanding, did
22 the per-page rate that Marvel agreed to pay the
23 freelancers, did that include any revisions that
24 were requested by Marvel?

25 A It was just a flat rate. Marvel didn't

1 generally pay extra for revisions. There might have
2 been exceptional cases and so forth that I didn't
3 even hear much about. But generally speaking, if
4 you just -- you know, if you had to revise
5 something, they felt you hadn't done it right in the
6 first place or something, sometimes it was a source
7 of friction, but that was the rule.

8 Q And in your experience on the occasion
9 when pages may have been rejected by Marvel for
10 freelancers, would they still be paid for those
11 rejected pages?

12 A I didn't usually see the record. They
13 had probably been paid for them in the first place,
14 but they weren't going to be paid to, you know, redo
15 them.

16 Q Looking back at Exhibit 62, which is your
17 AlterEgo 50.

18 A Yes.

19 Q And I'd like to direct your attention to
20 314.

21 A 314. Okay. All right.

22 Q And you see that the highlighted part
23 towards the bottom of the page, "Stan made it
24 possible for guys like him and Bill to go on working
25 and nobody was looking to get rid of them. In fact,

1 Stan would get angry if any artist to whom he had
2 made even an informal commitment on Marvel's part
3 suddenly had a ton of time on his hands when they
4 wanted to be working."

5 Do you see that?

6 A I recognize the statement, but I don't
7 see it -- oh, yes, yes, now I see it. It just took
8 a second. Yes, that's the paragraph that's
9 highlighted.

10 Q And you stand by that statement, that was
11 consistent with your understanding?

12 A Yes, it is.

13 Q Okay. And the highlighted part below
14 that, can you please read that?

15 A Beginning where?

16 Q "That was one of the practices of
17 Stan's."

18 A Oh, let me see here.

19 Oh, yeah, okay. I was thinking it was
20 further down. Yes -- did you want me to read it?

21 Q Out loud, please.

22 A Yes. "That was one of the practice of
23 Stan that I took to quite naturally. If you told an
24 artist you were going to 'keep him busy,' then you
25 damn well better find a way to do it. It was the

1 writers, editors, and production manager's
2 responsibility to see to it that regular artists
3 always had work at hand and didn't have much
4 downtime where they weren't making any money just
5 because a writer couldn't even bother to come up
6 with a plot when he was supposed to. There's not
7 much thought about that in the field any more."

8 Q Okay. And is that an accurate reflection
9 of one of Stan's practices to keep the freelance
10 artists busy?

11 A Yes.

12 Q And do I understand correctly that you
13 similarly followed that practice?

14 A Yes.

15 Q And was that also true with respect to
16 the freelance writers?

17 A Well, their part in that was to get the
18 plots to the artists when they were supposed to so
19 that an artist wasn't calling us to complain and
20 say, "I have no work to do" because I can't do
21 anything until the writer, you know, sends me
22 something or calls.

23 Q Okay. You testified earlier that
24 freelance writers at Marvel were assigned to
25 particular comic issues either by the

1 editor-in-chief or the -- or by you, correct?

2 A Yes.

3 Q And did freelance writers for Marvel have
4 the ability to assign themselves to write a
5 particular comic book or issue?

6 A No.

7 Q And was that true from 1965 when you
8 started at Marvel through the 1970s?

9 A Yes.

10 Q And do you have an understanding of
11 whether the process was any different in the early
12 '60s before you joined Marvel?

13 A No. I mean, I think it was the same.

14 Q And what's the basis for your belief that
15 it was the same?

16 A Well, Stan was doing most of the writing
17 at that period, so he was mostly assigning it either
18 to himself or to his -- or some of it to his
19 brother, so he was handing out all those
20 assignments.

21 He almost had no choice. Someone had to
22 do it and it was him.

23 Q And let's switch to talking about the
24 freelance artists. Did freelance artists at Marvel
25 have the ability to assign themselves to pencil a

1 particular comic book or issue?

2 A No.

3 Q And same question with respect to inkers,
4 did the inkers have the ability to assign themselves
5 to ink any comics or --

6 A No.

7 Q -- issues?

8 No. And that was true from '65 through
9 the 1970s?

10 A Yes.

11 Q And do you have any reason to believe
12 that the process was any different in the early
13 1960s before you joined Marvel?

14 A No.

15 MR. TOBEROFF: Lacks foundation.

16 BY MS. LENS:

17 Q What's the basis for that understanding?

18 A Well, again, Stan was doing the writing.
19 I mean, most of the writing and making all the
20 assignments. He was the editor. And, you know,
21 basically, as far as the publishers, they were
22 working for them, so that was Stan's responsibility.

23 Q And you never heard that there was a
24 different system in place in the years prior to you
25 joining, right?

1 MR. TOBEROFF: Leading.

2 BY MS. LENS:

3 Q Let me strike that. Did you ever hear
4 that any freelance writers or artists had the
5 ability to assign themselves to a comic book series
6 before you joined Marvel?

7 MR. TOBEROFF: Leading based on the prior
8 leading question.

9 A I did not.

10 BY MS. LENS:

11 Q And once a particular freelance, whether
12 that be a writer or an artist, was assigned to a
13 comic book series by Marvel, could they be taken off
14 that series by Marvel?

15 A Yes.

16 Q And who had that authority?

17 A Basically mostly Stan, unless the
18 publisher interfered in some way.

19 Q And did you have that authority as well?

20 A Increasingly and in varying degrees.

21 Q Do you recall any -- well, strike that.
22 Why would freelancers be removed from
23 comics by Marvel?

24 A For any number of reasons. It might be
25 lateness, undependability. It might be Stan

1 decided -- or later I -- that they just weren't
2 doing the right job, or even if they were okay, it
3 might be that somebody else might do a better job or
4 that it was a little bit of musical chairs might get
5 us a better arrangement of people. And it could be,
6 just, any number of reasons that you felt it would
7 work better with a different artist, Stan or I would
8 just decide to make the change. Of course, we had
9 to take the artist's feelings sometimes in
10 consideration, but that was just what we did. I
11 mean, basically, it was our decision or Stan's
12 primarily.

13 Q And what did you mean by "musical chairs
14 to get you a better arrangement of people"?

15 A Marvel was always accused of changing
16 artists so much, and the readers would tend to think
17 that Marvel's changing artists around from this book
18 to that book just to make -- you know, just to upset
19 the reader or to change things. It was usually
20 because, you know, Jack Kirby could only draw so
21 many pages. If suddenly Stan wanted him to do
22 something else, he had to give up something else.
23 It was just constantly a fight to make the best use
24 of the resources you had, especially in the early
25 days when money was less available.

1 Q Can you think of any specific examples in
2 which you moved freelancers off particular Marvel
3 comic books?

4 A Several.

5 Q Okay. Can you give us a couple of those
6 examples, please?

7 A Well, strangely enough, they mostly
8 seemed to have to do with Don Heck. You know, the
9 first one was that Stan took -- Stan made the
10 decision to remove Don Heck as the regular penciler
11 of The Avengers for a few months and have a new,
12 returning artist, John Buscema draw The Avengers
13 with me as the writer, because Don Heck was
14 supposed -- was going to do an Avengers annual, it
15 was like two or three stories in one.

16 So -- and then whenever that period was
17 over, I liked Buscema's work so much that I wanted
18 to keep him on as The Avengers' artist, so I talked
19 Stan into assigning Don, you know, to something
20 else, so he still didn't lose any pay, but he didn't
21 -- had to try -- move on to another.

22 And then the other time was -- if you
23 wanted the another time -- you said a couple.

24 The other time was when I suddenly came
25 up with the idea in 1969 to revamp the Captain

1 Marvel or Marvel character we were talking about
2 before because he didn't seem to be going anywhere,
3 he didn't look right. And I suddenly woke up with
4 an idea to do something. And I told Stan I would
5 like to take over the book as writer and do it
6 myself.

7 And I already had set a plot at that time
8 for that issue to take over to Don Heck. He hadn't
9 started on it yet, but it was in the mail to him,
10 when another artist who I didn't really know well
11 but admired very much, Gil Kane, came walking in and
12 told Stan that he would like to draw Captain Marvel.
13 He had no idea what was going on in it, he just
14 thought it would be an interesting thing to try to
15 do something with that kind of "nothing" character.

16 So Stan and I agreed that Gil should
17 become the artist. So we took the synopsis back
18 from Don Heck, gave him something else to do and
19 gave it to Gil. We did things like that, not
20 lightly, but sometimes it just seemed the best thing
21 to do.

22 Q These examples you provided, are those
23 consistent with the general practices at Marvel with
24 respect to the ability to move artists around?

25 A Yes, very much so.

1 Q And did artists start working on pages
2 for a comic before discussing the plot or synopsis
3 with Stan or the writer?

4 A I can't think of any instances where they
5 did.

6 Q Are you aware of any instances where one
7 of the defendant contributors submitted artwork to
8 Marvel for an existing comic book series that he
9 hadn't been assigned to?

10 A No, unless you counted the sample page
11 that Gene Colan did of Tomb of Dracula before it
12 actually got, you know, really started.

13 Q And that was, I believe you testified,
14 because Gene Colan was essentially vying for that
15 assignment, correct?

16 A Yes, he just sent us like a sample page,
17 and that's what we --

18 MR. TOBEROFF: Leading.

19 BY MS. LENS:

20 Q And are you aware of any instance where a
21 defendant contributor submitted a plot or synopsis
22 to Marvel for an existing comic book series that he
23 hadn't been assigned to?

24 A No.

25 Q Any instances where defendant

1 contributors submitted scripts or dialogue to Marvel
2 for a series that he hadn't been assigned to?

3 A No.

4 Q Are you familiar with the term "on spec"
5 or "on speculation"?

6 A Yes.

7 Q And does that term mean to you?

8 A It just means you decided to do something
9 on your own, and then decide if -- hope, you know,
10 maybe you can sell it, get someone to buy it or pay
11 you for it.

12 Q Okay.

13 A Or something.

14 Q And during -- to your knowledge, during
15 the relevant time period, did Marvel buy plots or
16 synopses on spec from any of the defendant
17 contributors?

18 A No, that wasn't our practice.

19 Q And to your knowledge, during the
20 relevant time period, did Marvel buy scripts or
21 dialogue on spec from any of the defendant
22 contributors?

23 A No.

24 Q To your knowledge during the relevant
25 time period, did Marvel ever buy any artwork on spec

1 from any of the defendant contributors?

2 A No.

3 Q And to your knowledge, during the
4 relevant time period, did Marvel ever buy any
5 characters on spec from any of the defendant
6 contributors?

7 A No.

8 Q Now, you've mentioned -- strike that.

9 When assignments were given by Marvel to
10 writers and artists, how long did they have to
11 complete that assignment?

12 A Well, it varied. It always seemed to be
13 a rush. You know, usually it was something on a
14 schedule. It might even already be late. So, you
15 know, they had a week or a couple of weeks or
16 something, not a very long time. It depended on,
17 you know, the -- what they knew of the speed of the
18 artist and what the schedule and the deadline was.
19 That varied.

20 Q And -- but do I understand correctly that
21 Marvel would give them a deadline?

22 A Yes, there was always a deadline.

23 Q And who determined what the freelancer's
24 deadline would be?

25 A That was the -- I was very happy about

1 this when I was editor, that was mainly the job of
2 the production manager. Stan had given that out so
3 he wouldn't have to handle that type of thing
4 because that was a whole job in itself, and as soon
5 as he could afford to hire a production manager, he
6 dumped all that on that position.

7 Q And do you have an understanding why
8 Marvel provided freelancers with deadlines?

9 A Well, the books are due -- were due to
10 come out every month or every couple of months, and
11 if nothing showed up at the printer at the time,
12 Marvel had to pay, you know, for just as if there
13 had been a book or pay late -- even if it just came
14 in a few days or a week or so late, they would have
15 to pay what they called "late fines," and in a day
16 where there wasn't a lot of profit in an individual
17 issue of a comic, that was a very strong motive.

18 Q Were the freelancers expected to follow
19 the deadlines that Marvel provided to them?

20 A Yes.

21 Q Could a Marvel freelancer or freelance
22 artist or writer set their own deadlines?

23 A Maybe in their heads, but they had to
24 follow ours, yeah. They might be late, but they
25 were supposed to try to make it, yes.

1 a year or so, they may have rewritten that and so
2 forth it seemed to me. But again, I don't have any
3 copies, so it's based on 50-plus-year --

4 Q Understood. My question is, do you
5 recall whether -- was there a difference between the
6 language that was on the back of your freelance
7 checks and the language that you believe was on the
8 back of your salary checks?

9 MR. TOBEROFF: Assumes facts. Lacks
10 foundation. Misstates his testimony.

11 A At the time it just -- as far as I knew,
12 it seemed to be the same language. There was -- it
13 was -- the checks were for different things, but,
14 you know, if there was any language on anything, it
15 tended to be the same for a period of time.

16 BY MS. LENS:

17 Q Do you recall instances in which Marvel
18 paid an artist their per-page rate for their artwork
19 but decided not to publish it?

20 A There were a few instances like that.

21 Q Okay. Let's look at Exhibit 62 again.
22 Turning to page 304.

23 A 304 is back on 2 here?

24 Okay. 304.

25 Q And do you see the portion that's

1 let's switch to the covers briefly.

2 A All right.

3 Q Were the covers usually drawn by the same
4 artist that did the interior work on that issue?

5 A No, it could be the same, it could be a
6 different artist. Depended on who's available or
7 what Stan wanted or any number of factors.

8 Q And who decided who would draw the cover?

9 A Generally speaking, that would be Stan,
10 at least until I became the editor-in-chief. But he
11 was subject to various opinions of the publisher who
12 either felt certain artists weren't that good or
13 whatever.

14 Q And that's Martin Goodman you were --

15 A Martin Goodman, yes.

16 Q And who, if anyone, had the right to
17 request revisions to covers?

18 A Well, Martin Goodman as the publisher or
19 Stan as the editor. Later myself as
20 editor-in-chief.

21 Q And were -- strike that.

22 Let's go ahead and show you what's been
23 marked as Exhibit 31, which is been Bates stamp
24 2021MARVEL-71572.

25 (Previously marked Exhibit Number 31,

1 supervised the creation of the issue?

2 A Well, Stan did, you know, yes, over me.

3 Q And did he -- who supervised -- who, if
4 anybody, supervised Don Heck?

5 A It would be a combination of Stan and
6 myself. I would be the day-to-day, but Stan was the
7 one who was, you know, basically assigned -- made
8 the assignment to Don several issues before to
9 become the regular Avengers' penciler.

10 Q And can you tell if Exhibit 76 has any
11 relation to Exhibit 31 which was The Avengers plot
12 that we just looked at?

13 A Well, yes. Don took the plot, and this
14 is his adaptation and realization of it, taking what
15 I wrote and turning it into what he felt would be
16 good drawings based on it to tell the story.

17 Q And so do I understand correctly that
18 Exhibit 31 is the plot that you drew and provided to
19 Don Heck for what became Avengers Number 39, which
20 is Exhibit 76?

21 A Yes. "Wrote," rather, drew. Yes, it's
22 the plot that I wrote out and sent to him for the
23 issue.

24 Q Thank you for that correction.
25 And at Marvel during the relevant time

1 A I didn't write -- again, Thor I mostly
2 wrote in that context in the Avengers. I don't
3 remember if I ever -- by the early '70s, I might
4 have written a couple issues of Thor, but I didn't
5 write too much. Most of the things I did with him
6 were later. He was a member of the Avengers. But,
7 again, I wouldn't have been creating characters
8 specifically for him. It would have been a general
9 Thor or whatever of the Avengers.

10 BY MR. TOBEROFF:

11 Q So I'm going back to your various
12 positions that you discussed when Molly was asking
13 you questions at Marvel starting in July 1965 where
14 you were briefly a staff writer and then it morphed
15 into assistant editor. Is that correct?

16 A Yeah, editorial. We never used the term,
17 but that's a good way to refer to it.

18 Q And then towards the end of 1996,
19 beginning of 1997?

20 A 1990s you're talking about?

21 Q 1966.

22 A Oh, '66.

23 Q Beginning of 1967.

24 A Uh-huh.

25 Q You became associate editor?

1 A Yes.

2 Q And then in mid to late '72 to
3 September of 1974, you were editor-in-chief at
4 Marvel?

5 A No, it was earlier than '74. It was
6 either spring or early summer. I'm not sure of the
7 exact time. It wasn't late '72. It was earlier
8 '72, the first half of it.

9 Q No. I said -- you started in mid --

10 A You said late '72.

11 Q No, mid to late '72.

12 A Oh, well, it was -- I started -- I
13 started not in late. It was mid or --

14 Q Mid '72?

15 A Something -- whatever you want. I don't
16 know the month.

17 Q Then you left approximately Labor Day of
18 1974?

19 A Yes.

20 Q Then you were paid a staff salary -- you
21 were paid a salary for all these staff positions?

22 A Yes.

23 Q What Marvel company employed you for each
24 of these positions?

25 MS. LENS: Objection to form. Objection

1 BY MR. TOBEROFF:

2 Q And did you still write on a freelance
3 basis when you became editor-in-chief?

4 A Yes. I was expected to or asked to.
5 They wanted me to. I did less of it because I was
6 busy, but I still continued.

7 Q And throughout these position -- you've
8 testified previously that you would receive separate
9 checks for your salary as a staff member and
10 different checks for your freelance material; is
11 that correct?

12 MS. LENS: Freelance work you mean?

13 A I think those were always separate
14 checks.

15 BY MR. TOBEROFF:

16 Q And that -- and that procedure was the
17 same throughout all your positions, including when
18 you were editor-in-chief?

19 A Yes, up through -- I don't know when the
20 writer or creator contact pushed it in '74, I guess
21 that changed in some way. I'm a little vague on it.
22 But, yes, I always received both freelance and staff
23 checks up through, you know, late '74.

24 Q And during the time you worked at Marvel,
25 did Marvel sometimes -- you testified previously

1 new comic line or feature in a new character began
2 or when it was killed off but that he wouldn't
3 approve each comic book.

4 MS. LENS: Objection.

5 BY MR. TOBEROFF:

6 Q Is that correct or incorrect?

7 MS. LENS: Objection. If you're going to
8 represent his testimony, you should show it.

9 We have all of his testimony here.

10 I object to the preamble and the
11 purported attempt by Mr. Toberoff to
12 characterize your testimony, Mr. Thomas. You
13 should answer truthfully but not feel compelled
14 to answer as to his characterization.

15 A I don't remember if he saw the interior
16 of every comic book. He was entitled to if he
17 wanted to. And sometimes I know he looked at them
18 because he would complain about this or that. His
19 main concern was the covers. But he had access to
20 other things, but I wasn't -- we were at the other
21 end of the hall, and I never really heard or saw how
22 much he looked at the interior of the books. But he
23 obviously did sometimes.

24 Sometimes he might do it after they were
25 published and object to something. But that was

1 something specific -- Stan was freelance, was on my
2 freelance.

3 Q I'm sorry?

4 A Everything I did at home was counted as
5 being freelance even though I was being paid a staff
6 salary, like a five-day salary. But those two days,
7 anything I wrote at home was counted as my doing
8 freelance writing.

9 Q And were those two days the work days or
10 on days of -- work days, Monday through Friday, or
11 were they the weekend?

12 A No, it was all -- that's all on a
13 Monday-through-Friday basis.

14 Q So two of the five days you would write
15 freelance material at home?

16 A Yes.

17 Q And what was Stan's practice?

18 A Pretty much the same, except, you know,
19 he had started earlier and decided I should do the
20 same thing because they could get more out of me
21 that way.

22 Q Is it your understanding that Stan Lee
23 was also paid by the page for the freelance
24 material?

25 MS. LENS: Objection to form.

1 A My understanding was that he had a rate.
2 I didn't know that much about or what it was or
3 whatever else because he didn't discuss that with
4 me. But it was a similar situation to mine except
5 of course better.

6 BY MR. TOBEROFF:

7 Q And did Stan ever tell you why he wanted
8 you to take the same days off? Do you recall what
9 days of the week that was?

10 A It was usually, you know, Tuesday and
11 Thursday, I think. It was pretty steady, and it was
12 regular two days. It wasn't just whatever two days
13 I wanted off. It was -- it had to be kind of a
14 regular thing. I might have varied a little bit.
15 But usually it was like a Tuesday -- Tuesdays and
16 Thursdays. He just wanted to get more work out of
17 me.

18 Q No, but did he ever tell you why he
19 wanted it -- in the same days he was writing
20 freelance material at home, he wanted you to write
21 freelance material at home?

22 A He said he wanted me there when he was
23 there.

24 Q At the office?

25 A Yes. He felt otherwise we wouldn't have

1 as much contact. If I was off two days and he
2 wasn't there, we'd only see each other once a week,
3 and he didn't want that.

4 Q Now, in 1974 did Cadence suddenly have
5 writers sign special acknowledgments about the work
6 they had done for Marvel previously?

7 MS. LENS: Objection to form.

8 A I don't remember that. 1974?

9 BY MR. TOBEROFF:

10 Q Starting in about 1974.

11 MS. LENS: Same objection.

12 A They may have. I do not remember any --
13 any specific thing at that time. It could have
14 been, but I don't recall it. Because I had my own
15 writer/editor contract, and that was about all I
16 went by.

17 BY MR. TOBEROFF:

18 Q You previously discussed how freelance
19 writers were paid for their pages based on a page
20 rate, right?

21 MS. LENS: Objection to form.

22 A Yes.

23 BY MR. TOBEROFF:

24 Q Was the page rate based on the amount of
25 time a freelance writer or artist had spent creating

1 the particular material?

2 A It was based entirely on the page,
3 whether it took ten minutes to write or an hour to
4 write or five hours to write.

5 Q So it wasn't based on the amount of
6 time --

7 A It had nothing to do with an hourly rate
8 of any kind, no.

9 Q Just to be clear, it was a set page rate
10 regardless of how long it took the writer or artist
11 to create the page?

12 MS. LENS: Objection to form.

13 BY MR. TOBEROFF:

14 Q Correct?

15 A That's correct.

16 Q Do you know how that page rate was
17 determined?

18 A It was determined between -- originally
19 between Stan Lee and Martin Goodman.

20 Q And did it vary between the different
21 freelance writers and artists?

22 A Well, people had different rates. And of
23 course we'd get raises. They didn't all have the
24 same rate. I didn't know what Stan's rate was. I
25 assumed mine was lower. Other writers would come in

1 Q And what if the artist didn't fix the
2 page, were they required to pay for that page?

3 MS. LENS: Objection to form. Incomplete
4 hypothetical.

5 A It's hard to say. I can't think of any
6 instance where that really happened.

7 BY MR. TOBEROFF:

8 Q I'm asking -- you spoke about their
9 rights and abilities and authority and discretion.

10 A Yeah.

11 Q And previously you testified that they
12 had full discretion to do what they want.

13 A Yeah.

14 Q So I'm asking you, were they required to
15 pay for a page that they rejected?

16 A I don't think they considered themselves
17 required to pay for a page they rejected, no, I
18 don't think they did. They would then pay if the
19 work -- if a new page came in that they accepted,
20 they would pay for that one.

21 Q If a freelance artist drew a page and
22 Marvel wanted the artist to redraw the page, what
23 would happen if the artist refused?

24 MS. LENS: Objection to form. Incomplete
25 hypothetical. Assumes facts not in evidence.

1 BY MR. TOBEROFF:

2 Q Doesn't look familiar to you at all?

3 MS. LENS: Same objections. Lacks
4 foundation.

5 A No. It looks like any number of comic
6 book magicians over the years imitating Mandrake
7 going back into the '40s.

8 BY MR. TOBEROFF:

9 Q So it doesn't look like any comic book
10 character we discussed today?

11 MS. LENS: Objection to form. It's been
12 asked and answered, lacks foundation.

13 A Because I can't help seeing that the
14 envelope says Steve Ditko, it's obviously -- it
15 bears resemblance to Doctor Strange. But any
16 character he drew in a cloak and mustache would have
17 a resemblance to Doctor Strange and also to Mandrake
18 the Magician and 100 other comic book magicians that
19 existed between 1940 and 1960.

20 BY MR. TOBEROFF:

21 Q So you said this character resembles 100
22 other comic book characters?

23 A Maybe that's an exaggeration but quite a
24 few. There were a lot of comic book magicians.

25 They were all imitating the comic strip character

1 Mandrake. Sateria the Magician at DC, Sargon the
2 Sorcerer at DC.

3 Q I see.

4 A Quite a few. There was a long, long
5 tradition. Almost every company had a couple of
6 magicians, many of them with mustaches and capes.

7 Q Did you ever see this illustration,
8 Exhibit 82, prior to today?

9 A No. And as someone interested in the
10 history of comics, it's very interesting, but I've
11 never seen it before.

12 Q How about yesterday? Did you see it
13 yesterday?

14 A No, never saw it before. Interesting
15 history. I'd love to keep it. But I guess I have
16 to give it over here.

17 Q Did you know Chris Claremont.

18 A Yes. Still do.

19 Q When did he start working for Marvel?

20 A In the very late '60s, he worked there
21 briefly as an unpaid intern, or whatever they called
22 it at the time. About the first and one of the only
23 ones we ever had. Then he went away for a couple of
24 years and came back and started working in the early
25 '70s or something. So I'm not quite sure of his

1 ghostwrite --

2 A For me?

3 Q Did he ever ghostwrite for you?

4 A I'm pretty sure he did not. I don't
5 think I had anyone ghostwrite for me in that period.

6 Q Was Amazing Fantasy, Volume 1, Number 15,
7 the last issue in the Amazing Fantasy series?

8 A Yes. It had changed titles two or three
9 times from Amazing Adventures to Amazing Adult
10 Fantasy to Amazing Fantasy, but that was -- the 15th
11 issue was the last.

12 Q Why did they kill Amazing Fantasy or
13 stop --

14 MS. LENS: Objection.

15 BY MR. TOBEROFF:

16 Q -- publishing it?

17 MS. LENS: To the extent it lacks
18 foundation.

19 You can answer.

20 A I of course was not there at the time,
21 but my understanding, in talking to Stan, I believe,
22 later was simply that it was based, of course, on
23 the sales of issues going back three or four months
24 before when it was called Amazing Adult Fantasy.

25 And it had been a comic of four or five per issue,

1 little short stories by -- written by Stan Lee and
2 drawn by Steve Ditko entirely, which little Twilight
3 Zone-ish kind of stories with a surprise ending.
4 Kind of cute. And they tried to market it as more
5 adult comics and so forth. But it didn't -- it was
6 a cute little comic, but it did not sell. So, you
7 know -- so that's why Spider-Man got dumped in the
8 last issue, I guess.

9 BY MR. TOBEROFF:

10 Q When you say "Spider-Man got dumped in
11 the last issue," was Spider-Man first introduced in
12 the last issue of Amazing Fantasy, Volume 1, Number
13 65 -- Number 15?

14 A He was -- yes, he was introduced in that
15 issue. That became -- whether scheduled to be or
16 not, it became the last issue.

17 Q Why would -- why was the main character
18 like that, if you know, introduced in the last issue
19 of another comic book line?

20 MS. LENS: Objection. Assumes facts not
21 in evidence. Objection to form.

22 A There are too many versions, and Stan
23 would tell me different stories at various times,
24 which indicated he really didn't remember.
25 Sometimes he said it was thrown in because it was

1 method. The original -- before that, Stan and Steve
2 had worked in the usual way. They would get
3 together, talk over the story. And then whatever
4 Stan finally approved that Steve should do, Steve
5 would go home and start drawing.

6 But for various reasons, including
7 arguments, disagreements over what to do and
8 things that mostly Steve seemed to be unhappy about,
9 according to things he's written later, they just
10 kind of drifted apart and just -- and Sol Brodsky
11 told me that they were -- and Stan, too -- that they
12 just got to arguing over so many things.

13 And Stan didn't like to argue with the
14 artists. And he respected Steve and his work so
15 much and was going so well that he decided one day
16 evidently that they just shouldn't speak anymore.
17 From now on, you know, Steve just plotted his
18 stories and dropped them off, and then Stan would
19 dialogue them.

20 So in that sense it was a change because
21 now the plot came -- or the idea of the plot, which
22 ordinarily would have been done by the writer, Steve
23 sort of -- you know, he was doing the plotting from
24 the beginning, and Stan wouldn't see it until it
25 came in penciled.

1 the dialogue and the balloons and writes the
2 captions, would that be referred to as scripting?

3 MS. LENS: Objection. Incomplete.

4 A Either scripting or writing.

5 BY MR. TOBEROFF:

6 Q Okay.

7 A Depended on -- there was no exact
8 dictionary anywhere related to comic books as to
9 what stood for what.

10 Q And when we talked about Steve Ditko, you
11 said that's a version of the Marvel method.

12 A Uh-huh.

13 Q How would you describe the Marvel method
14 otherwise other than that version?

15 A What I meant by that when you said it was
16 simply that Stan was basically sort of assigning
17 Steve to do it, you know, and wanted him to do it.
18 But -- so what was the exact question here?

19 Q What generally is meant by the Marvel
20 method?

21 A The usual thing, which had evolved in the
22 early '60s before my time there, was that the writer
23 would come up with the idea for the story as a plot
24 in whatever form, which would then be penciled, and
25 that the dialogue would be -- and which includes the

1 You're right about how the Marvel method
2 seems to have evolved out of a matter of convenience
3 because Stan Lee had to keep a number of artists
4 busy. And he was the only writer, so he didn't have
5 time to always write a full script in advance for
6 three or four or five different artists. So he
7 would keep them busy by giving them a plot he could
8 work out in five or ten minutes and then figure
9 that -- that way the artist didn't have the downtime
10 and lose money.

11 And it turned out to have the extra
12 advantage of getting the artist's thoughts of how to
13 pace the story, and maybe the artist would come up
14 with something extra on it. And when you had
15 brilliant people like Jack Kirby and Steve Ditko,
16 you got that out of them. It developed into the
17 Marvel method. It started out just to be some way
18 to keep the artist busy for their sake much more
19 than for Stan's.

20 BY MR. TOBEROFF:

21 Q Have you read interviews in which Stan
22 Lee has described the Marvel method --

23 A Yes.

24 Q -- that he used?

25 A Besides talking with him about it, yes.

1 BY MS. LENS:

2 Q So no one told you, for example, that in
3 1962 freelance writers weren't working under the
4 supervision of Stan Lee?

5 MR. TOBEROFF: Leading. Objection as to
6 form.

7 BY MS. LENS:

8 Q Let me restate that.

9 Did anyone tell you, when you joined
10 Marvel in 1965, that previously in the 1960s that
11 freelance writers weren't working under the --
12 freelance artists weren't working under the
13 supervision of Stan Lee?

14 MR. TOBEROFF: Objection as to form.
15 Leading. Compound.

16 A No one told me that there had been, you
17 know, any changes. And Stan had been the editor
18 during that entire period. The artists and other
19 writers, if there had been any, they all reported to
20 Stan. And it seemed like that had been the way it
21 had been for at least the last several years.

22 BY MS. LENS:

23 Q Did anyone tell you, when you joined
24 Marvel in 1965, that freelancers didn't work on a
25 per-page rate in the 1960s before you joined?

1 MR. TOBEROFF: Objection as to form.

2 A As far as I knew or was informed, it had
3 always been a paid -- a page rate kind of system for
4 writers and for artists.

5 BY MS. LENS:

6 Q And did anyone tell you before -- strike
7 that.

8 Did anyone tell you, when you joined
9 Marvel in 1965, that prior to that, that freelance
10 artists didn't work pursuant to deadlines provided
11 by Marvel?

12 MR. TOBEROFF: Objection as to form.

13 A No. No, they didn't. Obviously there
14 always had to be deadlines. There were deadlines
15 all the way back to the '30s and the '40s, and that
16 part of it really had never changed.

17 BY MS. LENS:

18 Q Did anyone tell you, when you joined
19 Marvel in 1965, that prior to that, that Marvel
20 didn't have the right to require freelancers to do
21 revisions at Marvel's request?

22 MR. TOBEROFF: Objection as to form.

23 Vague.

24 A No, no one ever told me that.

25

1 BY MS. LENS:

2 Q Do you have any reason to believe that
3 that was the case?

4 MR. TOBEROFF: Same objection.

5 A No. Quite the contrary.

6 MS. LENS: Okay. No further questions.
7 Of course if Mr. Toberoff asks any questions in
8 his remaining minute, I'll reserve the balance
9 of my time for redirect.

10 MR. TOBEROFF: I'm starting my stopwatch
11 over.

12 FURTHER EXAMINATION

13 BY MR. TOBEROFF:

14 Q When Stan had meetings with freelance
15 writers and artists during the period, were you
16 generally in those meetings?

17 MS. LENS: Objection to form.

18 A I wouldn't say generally but sometimes.

19 BY MR. TOBEROFF:

20 Q What percentage of the times?

21 MS. LENS: Objection. Lacks foundation.

22 A Just a few percent. Five, ten. Rather
23 small numbers. There would usually be some
24 particular reason why he wanted me there, to take
25 notes or whatever.

I N D E X

ROY THOMAS, JR.	PAGE
Examination by Ms. Lens	7
Examination by Mr. Toberoff	180
Further Examination by Ms. Lens	328
Further Examination by Mr. Toberoff	334

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
Exhibit 62	AlterEgo magazine article, Rascally Roy Celebrates 40 Years Since Modeling with Millie No. 44, and a few More Marvel Milestones!	
	2021MARVEL-71288 to 71402	93
Exhibit 63	The Jack Kirby Collector,	
	2021MARVEL-0070540 to 70607	175
Exhibit 64	Magazine, Comic Book Artist,	
	2021MARVEL-0036207 to 36236	176
Exhibit 65	AlterEgo magazine, "Roy Thomas on Marvel in the 1970s!",	
	2021MARVEL-74335 to 74438	45
Exhibit 66	10/26/10 Vol. 1 Deposition of Roy Thomas, 2021MARVEL-0043115 to 43320	171
Exhibit 67	10/27/10 Vol. 2 Deposition of Roy Thomas, 2021MARVEL-0064804 to 9323	171

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
Exhibit 68	4/12/11 Deposition of Roy Thomas 2021MARVEL-0041265 to 41434	172
Exhibit 69	4/13/11 Deposition of Roy Thomas 2021MARVEL-0123147 to 123387	173
Exhibit 70	Trial, 10/13/99, 2021MARVEL-0081102 to 81239	174
Exhibit 71	Employment Contracts & Correspondence from Roy Thomas, Confidential, 9/1/74, Bates 2021MARVEL-88673 to 88680	51
Exhibit 72	Comic: Tales of Suspense, "The Crimson Dynamo strikes again! And none, but Iron Man can hope to stop him!" 2021MARVEL-0005039 to 5052	76
Exhibit 73	Marvel Comics Group Notepad note from Roy to Jerry with comic samples, 2021MARVEL-0050273 to 50278	84
Exhibit 74	Comic: Marvel Super-Heroes Featuring Captain Marvel, 2021MARVEL-3353 to 3368	98
Exhibit 75	Comic: Tales of Suspense Featuring Iron Man and Captain America Number 86, no Bates	114

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
Exhibit 76	Comic: The Avengers, Number 39, 2021MARVEL-0001682 to 1702	163
Exhibit 77	Plot: The Avengers vs. Sub-Mariner (#40), 2021MARVEL-0071516 to 71578	166
Exhibit 78	Plot: Avengers v. Super-Adaptoid, 2021MARVEL-0071592 to 71594	167
Exhibit 79	Comic: The Avengers Number 45, 2021MARVEL-0001724 to 1744	169
Exhibit 80	Subpoena for Roy Thomas	199
Exhibit 81	Responses and Objections to Subpoena to Produce Documents, Information, or Objects to Roy Thomas	211
Exhibit 82	Drawing with envelope to Patrick Ditko	303
Exhibit 83	Hero Initiative article, no Bates	326

PREVIOUSLY MARKED EXHIBITS

NUMBER	DESCRIPTION	PAGE
Exhibit 3	AlterEgo magazine article, Conversation with Larry Lieber, 2021MARVEL-0027468 to 27481	67
Exhibit 8	Article: Special Stan Lee 85th Birthday Issue, 2012MARVEL-0073287 to 73370	156
Exhibit 28	Comic: The Fantastic Four, 2021MARVEL-0023907 to 23908	169
Exhibit 31	Avengers Plot, 2021MARVEL-71572	161

REQUESTS FOR MARKED PORTIONS OF TRANSCRIPT

PAGE/LINE	DESCRIPTION
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185/8	Question by Toberoff: Did you ask Marvel's attorneys to represent you in this case?
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188/14	Question by Toberoff: Did Marvel's attorneys tell you why they were suggesting that they represent you?
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190/2	Question by Toberoff: And what did they tell you?
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218/13	Question by Toberoff: What was -- at that meeting, what was said to you by Marvel's attorneys?
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1 STATE OF NORTH CAROLINA)


2 COUNTY OF FORSYTH)

3 REPORTER'S CERTIFICATE

4 I, Audra Smith in and for the above county
5 and state, certify that the person hereinbefore named was
6 taken before me at the time and place and was sworn by me and
7 that such deposition is a true record of the testimony given
8 by such witness.

9 I further certify that I am not related to
10 any of the parties to this action by blood or marriage and
11 that I am in no way interested in the outcome of this matter.

12 IN WITNESS WHEREOF, I have hereto set my
13 hand this 6th day of February, 2023.

14
15 
<%19326,Signature%>

16 _____
17 Audra Smith

18 Notary Number: 201329000033

19 Commission Expires: June 26, 2025
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